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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED AUTOMOBILE INSURANCE
COMPANY,

Plaintiff,

vs.

THOMAS CHRISTENSEN, an individual; E.
 BREEN ARNTZ, an individual; and GARY
 LEWIS, an individual,

Defendants.

Case No.: 2:18-cv-02269-JAD-BNW

JOINT STATUS REPORT
REGARDING STAY OF DISCOVERY
(ECF NO. 40)

Thomas Christensen, E. Breen Arntz, Gary Lewis (“Defendants”) and United
 Automobile Insurance Company (“Plaintiff”) hereby submit this Joint Status Report Regarding
 Stay of Discovery (ECF No. 40) with a request for a continued stay of discovery with a status
 report to be filed with the Court 90 days from today’s date (i.e. September 26, 2020) regarding
 developments from other courts considering matters that may affect this case.

INTRODUCTION

Plaintiff filed its Complaint in this case on November 28, 2018. (ECF No. 1) Defendant
 Christensen filed a Motion to Dismiss on February 22, 2019. (ECF No. 5) Defendant Arntz
 filed a Joinder to Christensen’s Motion to Dismiss on March 1, 2019. (ECF No. 9) Defendant
 Lewis filed a Joinder to Christensen’s Motion to Dismiss on March 1, 2019 (ECF No. 10) and

1 an additional Motion to Dismiss on March 1, 2019. (ECF No. 11) This Court denied the
2 Motions to Dismiss on September 13, 2019 (ECF No. 32). As part of that Order, this Court
3 ordered the parties to submit a Discovery Plan and Scheduling Order by September 27, 2019.

4 On September 27, 2019, the parties jointly sought a stay of discovery (ECF No. 33)
5 because this lawsuit is related to a larger dispute in cases (some of which are pending) in the
6 Eighth Judicial District Court, Case No. A-07-549111-C (consolidated with A-18-772220-C);
7 the Nevada Supreme Court, Case Nos. 79487, 78243, 78085, and 70504; the Ninth Circuit
8 Court of Appeals, Case No. 13-17441; and another case in California. This Court granted the
9 request to stay discovery (ECF ____). On March 26, 2020, the parties submitted a second joint
10 status report (ECF 52). The parties indicated there were still ongoing related proceedings and
11 requested the stay of discovery in this case be extended another 90 days. This Court agreed
12 and extended the stay (ECF 53).

13 Over the past three months many of the other related proceedings have made significant
14 progress. The Ninth Circuit dismissed Gary Lewis's and James Nalder's appeal (Ninth Cir.,
15 Case 13-17441, Dkt. 90); the parties now await the Ninth Circuit's ruling on Appellants'
16 Petition for Panel rehearing and Petition for Rehearing En Banc (Ninth Cir., Case 13-17441,
17 Dkt. 91). The parties are also waiting on the Nevada District Court to rule on Motions for
18 Attorneys' Fees and Costs in cases A-18-772220-C, A-07-549111, pending in the Eighth
19 Judicial District Court.

20 **THIS CASE: 2:18-cv-02269-JAD-BNW**

21 On October 4, 2019, this Court granted the Stipulation to Stay Proceedings (ECF 40).
22 Defendants Christensen, Lewis and Arntz filed their Answers to Complaint. (ECF Nos. 34, 36
23 and 39). On October 10 and 11, 2019, Defendant Christensen, Lewis and Arntz filed Motions
24 for Reconsideration of this Court's September 13, 2019 Order. (ECF No. 10, 40 through 43).
25 On October 24, 2019 Plaintiff opposed the Motions for Reconsideration and Joinders (ECF No.
26 46). On October 31, 2019, Christensen filed his Reply in Support of Reconsideration (ECF No.
27 47). On December 18, 2019 Christensen sought leave to file supplemental authorities in support
28 of his Motion for Reconsideration to this Court. (ECF Nos. 48 and 49). Since then, the parties

1 have filed requests to stay discovery in this matter twice pending the outcome of the other
2 related cases.

3 **APPEAL IN THE NINTH CIRCUIT**

4 On June 4, 2020, the Ninth Circuit granted Appellee's Motion to Dismiss for Lack of
5 Standing. Appellants' Motion to Supplement the Record, filed on November 14, 20109 and
6 Motion to Take Judicial Notice, filed on May 1, 2020 were denied and the appeal was
7 dismissed. (ECF 90 in Ninth Circuit Docket 13-17441). On June 18, 2020, Appellants Gary
8 Lewis and James Nalder filed a petition for rehearing and petition for rehearing en banc. (ECF
9 91). The Ninth Circuit has not decided that petition.

10 **TWO WRITS IN THE NEVADA SUPREME COURT**

11 On April 30, 2020, the Nevada Supreme Court granted in part and denied in part
12 Nalder's and Lewis's writ petitions in Docket Nos. 78085 and 78243. Nalder and Lewis filed a
13 motion for reconsideration and for attorney's fees and costs, which remains pending.

14 **UAIC'S APPEAL IN THE NEVADA SUPREME COURT**

15 On August 21, 2019, UAIC appealed the state district court's ruling refusing to set aside
16 the amended judgment against Gary Lewis. On May 13, 2020, UAIC suggested that the appeal
17 be dismissed as moot in light of the Supreme Court's intervening decision on the writ petitions.
18 The Court has not yet acted on the suggestion.

19 **THE NEVADA STATE DISTRICT COURT PROCEEDING**

20 In accordance with the Nevada Supreme Court's decision on the writ petitions, District
21 Judge Johnson in Case No. A-07-549111-C struck UAIC's intervention and reassigned Case
22 No. A-18-772220-C (which had been consolidated before Judge Johnson) back to Judge
23 Kephart. Nalder filed a motion for attorney's fees in Case No. A-07-549111-C. Lewis filed
24 motions for attorney's fees in both cases. All three motions remain pending.

25 **CONCLUSION**

26 The parties believe that the stay of discovery in this proceeding should remain in place
27 pending a final resolution of Nalder's and Lewis's petition for rehearing before the Ninth
28 Circuit. Accordingly, the parties request a continued stay of discovery with a status report to

be filed with the Court 90 days from today's date (i.e. September 26, 2020).

DATED this 26th day of June, 2020.

WINNER & SHERROD

By: /s/ Matthew J. Douglas
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Attorneys for Plaintiff

DATED this 26th day of June, 2020.

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DATED this 26th day of June, 2020.

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DATED this 26th day of June, 2020.

MARQUIS AURBACH COFFING

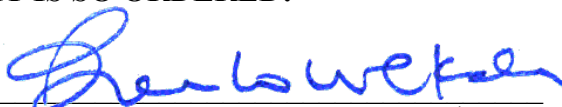
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Attorneys for Defendant E. Breen Arntz

IT IS ORDERED that the stay
of discovery is continued in
this case.

IT IS FURTHER ORDERED
that the parties' joint status
report is due August 26, 2020.

IT IS SO ORDERED:



UNITED STATES MAGISTRATE/DISTRICT
COURT JUDGE

8/11/2020
DATED: _____